

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed “AN ACT to authorize and direct the County Attorney to initiate legal proceedings against pharmaceutical companies and physicians with regard to the deceptive marketing of prescription opium-like painkillers (opioids) in Westchester County.”

Your Committee is informed that in 2011 the United States Department of Health and Human Services, Centers for Disease Control and Prevention stated that unintentional prescription opioid overdose kills more Americans than cocaine and heroin combined. The cycle of addiction too frequently begins with extra painkillers lying around someone’s medicine cabinet. People are often prescribed large quantities of serious drugs to deal with short-term pain which can quickly lead to dependence, which turns into abuse of leftover pills and escalation to illegal narcotics. Another path to addiction results from extra, unused pain medications ending up in the possession of others – stolen from medicine cabinets by people who are already addicted or by teenagers experimenting with drugs recreationally.

Your Committee is also informed that pharmaceutical companies knew that barring exceptional circumstances, opioids are too addictive and too debilitating for long-term use for chronic non-cancer pain lasting three months or longer. Despite this understanding, in order to expand the market for opioids and realize sizable profits, these companies created a false perception of the safety and efficacy of opioids for longer periods of time and to treat a wider

range of problems, including such common aches and pains. The pharmaceutical industry accomplished and continues to accomplish by spreading this false perception, through a coordinated, sophisticated and highly deceptive marketing campaign by convincing doctors, patients and others that the benefits of using opioids to treat chronic pain outweigh the risks.

Your Committee knows that Westchester County has seen a scourge of prescription drug abuse. In the year 2015 alone, 107 Westchester residents died from overdoses. According to the County Medical Examiner's report, opioids and opiates which includes heroin, were the cause of 83% of these deaths. Opioid fatalities increased more than 200% from 2010 to 2015.

Your Committee is aware that Westchester County spends millions of dollars each year in its efforts to combat opioid addiction and abuse created by the pharmaceutical industries deceptive marketing campaign. Such expenses include health care costs, criminal justice costs, social services costs and lost productivity. Westchester County Commissioner of the Department of Public Safety stated that, "this is an issue of significant size and scope for law enforcement." The pharmaceutical industries dishonesty regarding the safety and long-term opioid use helped cause Westchester to spend millions of taxpayer dollars.

Many Counties in New York State have already taken legal action against pharmaceutical companies. The Counties of Broome, Erie, Dutchess, Nassau, Sullivan, Orange, Rockland, Suffolk and Ulster have lawsuits pending.

Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations. *See* Title 6, Part 617 of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). *The Department of Planning has reviewed the applicable SEQRA regulations and has concluded that this proposed Act does not constitute an action and that no environmental review is required.* Your Committee concurs in this conclusion.

For the foregoing reasons, your Committee recommends the adoption of the attached Act.

Dated: _____, 2017
White Plains, New York

ACT NO. 2017

AN ACT to authorize and direct the County Attorney to initiate legal proceedings against pharmaceutical companies and physicians with regard to the deceptive marketing of prescription opium-like painkillers (opioids) in Westchester County.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The County Attorney is hereby authorized and directed to initiate legal proceedings against pharmaceutical companies and physicians based upon the deceptive marketing of opioids and other appropriate causes of action which has led to significant public health concerns and the substantial expenditure of taxpayer funds to address opioid addiction in Westchester County.

§2. The County Attorney shall take all actions reasonably necessary to carry out the purposes of this Act.

§3. This Act shall become effective immediately.